

**AMENDMENTS TO THE DRAWINGS**

The attached "Replacement Sheets" of drawings include changes to Figures 1-5. The attached "Replacement Sheets," which include Figures 1-5, replace the original sheets including Figures 1-5.

Attachment: Replacement Sheets

### **REMARKS**

Claims 1-2 and 4-6 are now pending in the application. By this amendment, Claims 1 and 5 have been amended and Claims 3 and 7 have been cancelled without prejudice or disclaimer of the subject matter contained therein. The basis for these amendments can be found throughout the specification, claims, and drawings originally filed. No new matter has been added. The preceding amendments and the following remarks are believed to be fully responsive to the outstanding Office Action and are believed to place the application in condition for allowance.

The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **DRAWINGS**

The drawings stand objected to for failing to show a processor or a controller. Accordingly, Applicants have amended the drawings to show a processor/controller. Support for the change can be found in the Specification at pg. 9, Ins. 15-21 and in Claims 4 and 5. Reconsideration and withdrawal of the objection is respectfully requested.

### **SPECIFICATION**

The specification stands objected to for certain informalities. Applicants have amended the Specification at page 9, line 10 to correct a typographical error. Specifically the term "catalyst 50" has been replaced with the term "catalyst 60." No new matter has been added. Reconsideration and withdrawal of the objection is respectfully requested

**REJECTION UNDER 35 U.S.C. § 112**

Claims 3-7 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. Applicants respectfully submit that this rejection is moot as Claims 3 and 7 have been cancelled without prejudice. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

**REJECTION UNDER 35 U.S.C. § 102**

Claim 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by Koike (U.S. Pat. No. 4,389,845).

This rejection is respectfully traversed.

Independent Claim 1 calls for an exhaust gas turbocharger including a twin scroll turbine housing, a turbine wheel positioned in the twin scroll housing, and exhaust gas inlets, operatively connected to port exhaust gas through each side of the twin scroll turbine housing and onto the turbine wheel. See Specification at pg. 6, Ins. 1-14 and FIG. 1. In addition, independent Claim 1 calls for a bypass, operatively connected to port exhaust gas around the exhaust gas inlets to bypass the turbine wheel and a valve operatively positioned to control exhaust gas flow to the exhaust gas inlets and the bypass. See Specification at pg. 6, Ins. 1-14 and FIG. 1. The valve selectively blocks the exhaust gas inlets on start-up to direct exhaust gas to heat a catalytic converter. See Specification at pg. 9, Ins. 8-13 and FIG. 5.

The Examiner admits that Koike fails to teach blocking exhaust gas inlets on start-up to direct exhaust gas to heat a catalytic converter. See Office Action mailed

January 14, 2005 at pg. 5. Therefore, Applicants respectfully submit that Koike fails to teach each and every element of the claimed invention.

Because Koike fails to teach blocking exhaust gas inlets on start-up to direct exhaust gas to heat a catalytic converter, Applicants respectfully submit that Koike fails to teach each and every element of the present invention. Accordingly, Applicants respectfully submit that independent Claim 1 is in condition for allowance. Therefore, reconsideration and withdrawal of the rejection is respectfully requested.

#### **REJECTION UNDER 35 U.S.C. § 103**

Claims 2-3 and 6-7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Koike (U.S. Pat. No. 4,389,845) in view of Deacon (U.S. Pat. No. 6,543,228 B2).

Claims 4-5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Koike (U.S. Patent No. 4,389,845) in view of Hashimoto et al. (U.S. Patent No. 4,982,567).

These rejections are respectfully traversed.

As discussed above, independent Claim 1 calls for an exhaust gas turbocharger including a twin scroll turbine housing, a turbine wheel positioned in the twin scroll housing, and exhaust gas inlets, operatively connected to port exhaust gas through each side of the twin scroll turbine housing and onto the turbine wheel. See Specification at pg. 6, Ins. 1-14 and FIG. 1. In addition, independent Claim 1 calls for a bypass, operatively connected to port exhaust gas around the exhaust gas inlets to bypass the turbine wheel and a valve operatively positioned to control exhaust gas flow

to the exhaust gas inlets and the bypass. See Specification at pg. 6, Ins. 1-14 and FIG.

1. The valve selectively blocks the exhaust gas inlets on start-up to direct exhaust gas to heat a catalytic converter. See Specification at pg. 9, Ins. 8-13 and FIG. 5.

Independent Claim 5 calls for an exhaust gas turbocharger mounted on a gasoline fueled engine. See Specification at FIG. 1. The gas turbocharger includes a twin scroll turbine housing, a turbine wheel positioned in the twin scroll housing, and exhaust gas inlets, operatively connected to port exhaust gas through each side of the twin scroll turbine housing and onto the turbine wheel. See Specification at pg. 6, Ins. 1-14 and FIG. 1. In addition, independent Claim 5 calls for a bypass, operatively connected to port exhaust gas around the exhaust gas inlets to bypass the turbine wheel, a valve, operatively positioned to control exhaust gas flow to the exhaust gas inlets and the bypass, and a processor configured to position the valve. See Specification at pg. 6, Ins. 1-14, pg. 9, Ins. 15-21, and FIG. 1. The valve selectively blocks the exhaust gas inlets on start-up to direct all exhaust gas to heat a catalytic converter. See Specification at pg. 9, Ins. 8-13 and FIG. 5.

In this manner, the present invention discloses a pair of exhaust inlets (30, 31) and a bypass (40). See FIG. 1. Each of the exhaust inlets are sealed by a valve (50) on start-up to direct exhaust gas (70) into the bypass. See Specification at pg. 9, Ins. 8-13 and FIG. 5. Once in the bypass, the exhaust gas is directed toward a catalyst (60) to aid in reducing emissions associated with start-up. See Specification at pg. 9, Ins. 8-13. The art of record fails to teach or suggest such a relationship.

Koike teaches a triple-flow casing (5) having a control valve (16) that adjusts exhaust flow into first and second scrolls (13a, 13b, 15) and into a waste gate (20). See

Koike at Col. 3, ln. 1, Col. 5, Ins. 60-68, and FIG. 6. The waste gate is used when the speed of an engine reaches a predetermined level to prevent boost pressure from reaching an excessive level. See Specification at Col. 5, Ins. 65-68. In this manner, Koike fails to teach or suggest bypassing a pair of exhaust gas inlets during start-up.

Deacon teaches a turbine inlet flange (2) having a turbine volute inlet port (3) and a turbine bypass port (5). See Deacon at Col. 5, Ins. 1-12. On cold start conditions, a link plate (30) is moved by an actuator to direct exhaust gas from the inlet port to the bypass port. See Deacon at Col. 6, Ins. 59-67 and Col. 7, Ins. 1-12. In this manner, Deacon teaches restricting exhaust flow into a *single* exhaust port and directing the exhaust into a bypass port. Therefore, Deacon fails to teach or suggest closing a *pair* of exhaust inlets by a single valve such that exhaust gas is directed into a bypass.

Because Koike and Deacon fail to teach or suggest closing pair of exhaust inlets of a turbocharger with a single valve such that exhaust gas is directed into a bypass during start-up, and none of the cited references cures this deficiency on Koike and Deacon, Applicants' invention is not taught or suggested by the prior art and reconsideration and withdrawal of the rejection is respectfully requested.

In this manner, it is believed that independent Claims 1 and 5, as well as Claims 2, 4, and 6, respectively dependent therefrom, are in a condition for allowance in light of the art of record. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.

#### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly

traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 944-6526.

Respectfully submitted,

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